

DG 02-045

**ENERGYNORTH NATURAL GAS, INC. D/B/A KEYSpan ENERGY DELIVERY
NEW ENGLAND**

2002 Summer Period Cost of Gas Proceeding

**Order Granting Motion for Protective Order
and Confidential Treatment**

O R D E R N O. 23,950

April 12, 2002

I. PROCEDURAL BACKGROUND

On March 18, 2002 EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England (KeySpan), a public utility engaged in the business of distributing natural gas in 29 cities and towns in southern and central New Hampshire and the City of Berlin in northern New Hampshire, filed with the New Hampshire Public Utilities Commission (Commission) a 2002 Summer Period Cost of Gas filing. KeySpan concurrently filed a Motion for Protective Order and Confidential Treatment (Motion) in which it requested confidential treatment of certain information, pursuant to RSA 91-A:5, IV, Puc 204.05(b) and Puc 204.06.

The Motion requests confidential treatment of material that identifies specific KeySpan suppliers and sets forth the terms of the gas supply agreements negotiated by KeySpan with its suppliers relating to the 2002 Summer Period Cost of Gas proceeding. The information also specifies the

commodity and demand charges under the supply contracts and is specified as follows:

Schedule 1	Supply and Demand Forecast
Schedule 2	Contracts and Unit Costs
Schedule 2A	Ranking of Contracts by Unit Costs
Schedule 5B	Detail Commodity Volumes & Costs (Per Unit Costs)
Schedule 5C	Detail Commodity Volumes & Costs (Commodity Costs)
Schedule 6B	Detail Demand Volumes & Costs (Per Unit Per Day costs)
Schedule 6C	Detail Demand Volumes & Costs (Demand Costs)

In its Motion, KeySpan states that: (1) the attachments identifying specific suppliers and commodity and demand charges contains trade secrets of KeySpan which should be protected as confidential commercial information; (2) KeySpan does not disclose this information to anyone outside of its corporate affiliates and their representatives; (3) release of this information is likely to result in competitive disadvantage for KeySpan; and (4) this information would be extremely beneficial to KeySpan's competitors who would gain a competitive advantage as a result of disclosure.

II. COMMISSION ANALYSIS

The Commission recognizes that the information regarding suppliers and contract terms identified above is critical to the review of the cost of gas filing by the Commission, the Commission Staff (Staff) and the Office of

Consumer Advocate. The Commission also recognizes that the Gas Supply Information as contained in the filing is sensitive commercial information in a competitive market. Thus, based on KeySpan's representations, applying the balancing test set forth in *Union Leader Corp. v. New Hampshire Housing Finance Authority*, 142 N.H. 540 (1997), *Re NET (Auditel)*, 80 NHPUC 437 (1995), *Re Eastern Utilities Associates*, 76 NHPUC 236 (1991), and *EnergyNorth Natural Gas, Inc.*, Order No. 23,559, Docket No. 00-193 (September 25, 2000), we find that the benefits to KeySpan of non-disclosure in this case outweigh the benefits to the public of disclosure. The information, therefore, is exempt from public disclosure pursuant to RSA 91-A:5, IV and N.H. Admin. Rules, Puc 204.06.

Based upon the foregoing, it is hereby

ORDERED, that the Motion for Protective Order and Confidential Treatment of KeySpan, as it relates to the 2002 Cost of Gas filing as described above, is Granted; and it is

FURTHER ORDERED, that in future filings, KeySpan shall continue to submit, concurrent with its request for confidential treatment, both redacted and unredacted filings which the Commission shall protect from disclosure during the pendency of its review of the request for confidentiality, pursuant to N.H. Admin. Rules, Puc 204.06; and it is

FURTHER ORDERED, that this Order is subject to the ongoing authority of the Commission, on its own Motion or on the Motion of Staff or any party or any other member of the public, to reconsider this Order in light of RSA 91-A, should circumstances so warrant.

By order of the Public Utilities Commission of New Hampshire this twelfth day of April, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra Howland
Executive Director and Secretary